APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,163	08/09/2001	John Wilkes	10006371-1	4638

7590 02/10/2004	EXAMINER
HEWLETT-PACKARD COMPANY	LY, ANH
Intellectual Property Administration	

P.O. Box 272400	ART UNIT · PAPER NUMBER
Fort Collins, CO 80527-2400	2172

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/927,163	WILKES, JOHN
	Examiner	**Art Unit**
	Anh Ly	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 August 2001_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

JEAN M. CORRIELUS
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to Applicant's communications filed on

08/09/2001.

2.   Claims 1-24 are pending in this application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,078,933 issued to Szalwinski in view of US Patent No. 6,202,070 issued to

Nguyen et al. (hereinafter Nguyen).

With respect to claim 1, Szalwinski discloses loading a program from the data

storage media into a computer system (a loader to load the programs for the computer

system: col. 2, lines 46-60); receiving a request for access to data stored on the data

storage media (receiving data source or data search request; col. 2, lines 55-67) and

determining whether the request is of the first type or the second type (see fig. 3, col. 6, lines 27-42).

Szalwinski discloses archiving data files in a computer system having a master archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not explicitly indicate the program including at least a first routine for responding to a first request type for access to the data storage media and a second routine for responding to a second request type for access to the data storage media; calling the first routine for accessing the data when the request is of the first type and calling the second routine for accessing the data when the request is of the second type; and presenting the requested data.

However, Nguyen discloses software routines including the first routine for accessing data and the second routine for responding the operation of the first routine such as transmitting and merging the data (col. 7, lines 22-54); calling the routines (col. 45, lines 38-44 and col. 45, lines 64-67 and presenting the result of requested data (col. 40, lines 3-5 and col. 47, lines 62-67).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Szalwinski with the teachings of Nguyen so as to obtain the software program routines, which is including two routine for accessing and responding the request (col. 7, lines 22-54). This combination would have made the method for accessing and retrieving data in a reliable in a very short period of time and more security and quickly (Nguyen – col. 9, lines 15-40) and the

archiving process as well as transmitting data to storage media in a good condition and less time-consuming (Szalwinski – col. col. 2, lines 40-67, and col. 3, lines 50-65).

With respect to claims 2-3, Szalwinski discloses a method for retrieving data as discussed in the claim 1.

Szalwinski discloses archiving data files in a computer system having a master archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not explicitly indicate wherein the first routine implements a first set of operations and the second routine implements a second set of operations; and wherein the first set of operations includes file system operations.

However, Nguyen discloses software routines including the first routine for accessing data and the second routine for responding the operation of the first routine such as transmitting and merging the data (col. 7, lines 22-54); operations related to file system such as INSERT, UPDATE and DELETE (col. 25, lines 40-55).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Szalwinski with the teachings of Nguyen so as to obtain the software program routines, which is including two routine for accessing and responding the request (col. 7, lines 22-54) and operations for updating, inserting and deleting (col. 25, lines 40-55). This combination would have made the method for accessing and retrieving data in a reliable in a very short period of time and more security and quickly (Nguyen – col. 9, lines 15-40) and the archiving

process as well as transmitting data to storage media in a good condition and less time-consuming (Szalwinski – col. col. 2, lines 40-67, and col. 3, lines 50-65).

With respect to claims 4-5, Szalwinski discloses wherein the second set of operations includes standardized archival operations (archiving process: col. 3, lines 10-15) and wherein the second set of operations includes operations selected from CPIO and TAR (col. 2, lines 46-67).

With respect to claim 6, Szalwinski discloses a method for retrieving data as discussed in the claim 1.

Szalwinski discloses archiving data files in a computer system having a master archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not explicitly indicate wherein the first request type includes a request for one or more files from a file system.

However, Nguyen discloses one or more files from the file system (col. 20, lines 6-20 and col. 21, lines 25-40).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Szalwinski with the teachings of Nguyen so as to obtain the software program routines, which is including two routine for accessing and responding the request (col. 7, lines 22-54) and operations for updating, inserting and deleting (col. 25, lines 40-55). This combination would have made the method for accessing and retrieving data in a reliable in a very short period of time and more security and quickly (Nguyen – col. 9, lines 15-40) and the archiving

process as well as transmitting data to storage media in a good condition and less time-consuming (Szalwinski – col. col. 2, lines 40-67, and col. 3, lines 50-65).

With respect to claim 7, Szalwinski discloses wherein said presenting includes reformatting all of the data as a file structure (col. 46-67).

With respect to claims 8-11, Szalwinski discloses a method for retrieving data as discussed in claim 1.

Szalwinski discloses archiving data files in a computer system having a master archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not explicitly indicate wherein the second request type includes a request for one or more logical volumes; wherein the second request type includes a request for an image copy of the data; and wherein the first request type is by a first target system type and the second request type is by a second target system type and wherein said presenting the requested data includes formatting the data in accordance with the target system type.

However, Nguyen discloses logical drives (col. 18, lines 30-45); copy of disk image (col. 6, lines 38-62) and the request of first and second routines (col. 7, lines 32-60) and format of data (col. 6, lines 20-38 and col. 20, lines 52-61).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Szalwinski with the teachings of Nguyen so as to obtain the software program routines, which is including two routine for accessing and responding the request (col. 7, lines 22-54) and operations for

updating, inserting and deleting (col. 25, lines 40-55). This combination would have

made the method for accessing and retrieving data in a reliable in a very short period of

time and more security and quickly (Nguyen – col. 9, lines 15-40) and the archiving

process as well as transmitting data to storage media in a good condition and less time-

consuming (Szalwinski – col. col. 2, lines 40-67, and col. 3, lines 50-65).

With respect to claims 12-14, Szalwinski discloses a method for retrieving data

as discussed in claim 1.

Szalwinski discloses archiving data files in a computer system having a master

archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and

retrieving data from the storage and transmitting data over the network (col. 2, lines 46-

67). Szalwinski does not explicitly indicate wherein the program includes information

about the data. wherein the information about the data includes a file system directory;

and wherein the data is stored on the data storage media as raw data blocks.

However, Nguyen discloses databases (col. 7, lines 32-60); directory in file

system (col. 20, lines 6-20 and col. 21, lines 25-40); and raw data (col. 6, lines 20-38).

Therefore, It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to combine the teachings of Szalwinski with the teachings

of Nguyen so as to obtain the software program routines, which is including two routine

for accessing and responding the request (col. 7, lines 22-54) and operations for

updating, inserting and deleting (col. 25, lines 40-55). This combination would have

made the method for accessing and retrieving data in a reliable in a very short period of

time and more security and quickly (Nguyen – col. 9, lines 15-40) and the archiving

process as well as transmitting data to storage media in a good condition and less time-consuming (Szalwinski – col. col. 2, lines 40-67, and col. 3, lines 50-65).

5.   Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,202,070 issued to Nguyen et al. (hereinafter Nguyen).

With respect to claim 15, Nguyen discloses a first routine for accessing the data in response to a request for access to the data as one or more raw data blocks and a second routine for accessing the data in response to a request for access to the data as a file structure (software routines including the first routine for accessing data and the second routine for responding the operation of the first routine such as transmitting and merging the data: col. 7, lines 22-54 and formatted raw data: col. 6, lines 20-38).

Szalwinski discloses archiving data files in a computer system having a master archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not clearly teach the data as one or more raw data blocks.

However, Nguyen discloses a procedure for formatting raw data into a form that can be used by a DBMD to insert, delete and update information in the database (col. 6, lines 18-35).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the formatting raw data as blocks of data to be

accessed as taught by Nguyen because it would have made the system having the

software program routines, which is including two routine for accessing and responding

the request (col. 7, lines 22-54) and operations for updating, inserting and deleting (col.

25, lines 40-55) and it would have made the system for accessing and retrieving data in

a reliable in a very short period of time and more security and quickly (Nguyen – col. 9,

lines 15-40).

With respect to claims 16-21, Nguyen discloses wherein said first routine

presents a logical volume of the data (logical drives: col. 18, lines 30-45); wherein said

first routine presents an image copy of the data (copy of disk image: col. 6, lines 38-62);

wherein the second routine presents all of the data as a file structure (database

structure: col. 7, lines 45-62); wherein the second routine presents a specified file (col.

6, lines 20-38 and col. 7, lines 32-60); and wherein the program code includes

information about the data; and wherein the information about the data includes a file

system directory (col. 20, lines 6-20 and col. 21, lines 25-40).

With respect to claim 22, Nguyen discloses a first routine for accessing the data

in response to a request from a first target system type and a second routine for

accessing the data in response to a request from a second target system type (software

routines including the first routine for accessing data and the second routine for

responding the operation of the first routine such as transmitting and merging the data:

col. 7, lines 22-54 and formatted raw data: col. 6, lines 20-38).

Szalwinski discloses archiving data files in a computer system having a master

archiver and a plurality of child archivers (col. 2, lines 30-45) and storing archiving and

retrieving data from the storage and transmitting data over the network (col. 2, lines 46-67). Szalwinski does not clearly teach the operations of responses to a request from a second target system type.

However, Nguyen discloses the operations such as updating, inserting and deleting (col. 25, lines 40-60).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the formatting raw data as blocks of data to be accessed as taught by Nguyen because it would have made the system having the software program routines, which is including two routine for accessing and responding the request (col. 7, lines 22-54) and operations for updating, inserting and deleting (col. 25, lines 40-55) and it would have made the system for accessing and retrieving data in a reliable in a very short period of time and more security and quickly (Nguyen – col. 9, lines 15-40).

With respect to claims 23-24, Nguyen discloses wherein said program presents the requested data formatted in accordance with the target system type and wherein the data is stored on the data storage media as raw data blocks (col. 6, lines 20-38 and col. 20, lines 52-61).

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Office (703) 872-9306 (Central Official Fax Number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

JEAN M. CORRIELUS
PRIMARY EXAMINER

ALY

FEB. 4th, 2004